

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Criminal Action No.
) 07-00136-01-CR-W-DW
JOHN DUNG COLLINGS,)
)
)
Defendant.)

REPORT AND RECOMMENDATION

On April 23, 2007, defendant moved for a judicial determination of mental competency. Defendant was examined by Christina Pietz, Ph.D., a forensic psychologist, who prepared a report dated August 9, 2007.

On August 30, 2007, I held a competency hearing. Defendant was present, represented by Travis Poindexter. The government was represented by Assistant United States Attorney Mike Green. The parties stipulated to the contents and findings of Dr. Pietz as the only evidence of whether the defendant is competent to stand trial and to assist in his defense, with one exception. The report states at page 4 that defendant was convicted of attempted murder; however, the parties agreed that the conviction was for aggravated assault. (Tr. at 2-4).¹

Based upon the uncontroverted evidence stipulated to by the parties in this case, I find that the defendant is competent to stand trial and to assist in his defense. Therefore, it is

¹"Tr". refers to the transcript of the competency hearing.

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding defendant competent to stand trial and to assist in his defense.

Counsel have waived the ten-day objection period and are instructed to file any objections to this Report and Recommendation by September 4, 2007.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
August 31, 2007